



Journal of the House

State of Indiana

122nd General Assembly

First Regular Session

Forty-Fifth Day

Monday Afternoon

May 10, 2021

The invocation was offered by Chaplain Pam Russell of the Public Servant's Prayer.

The House convened at 4:00 p.m. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Pierce.

The Speaker ordered the roll of the House to be called:

Abbott	Karickhoff
Andrade	King
Austin	Klinker
Aylesworth	Lauer
Baird <input type="checkbox"/>	Ledbetter <input type="checkbox"/>
Barrett	Lehe
Bartels	Lehman
Bartlett	Leonard
Bauer <input type="checkbox"/>	Lindauer
Behning	Lucas
Borders	Lyness
Boy	Manning
Brown, T.	May
Campbell <input type="checkbox"/>	Mayfield
Carbaugh	McNamara
Cherry	Miller
Clere	Moed
Cook	Morris
Davis	Morrison
Davisson <input type="checkbox"/>	Moseley
DeVon	Negele
DeLaney	Nisly
Dvorak	O'Brien
Eberhart <input type="checkbox"/>	Olthoff
Ellington	Pack
Engleman	Payne
Errington	Pfaff
Fleming	Pierce
Frye	Porter
GiaQuinta	Prescott
Goodrich	Pressel <input type="checkbox"/>
Gore	Pryor
Gutwein <input type="checkbox"/>	Rowray
Hamilton	Saunders
Harris	Schaibley
Hatcher	Shackleford
Hatfield	Slager
Heaton	Smaltz
Heine	Smith, V.
Hostettler	Snow
Jackson	Soliday
Jacob	Speedy
Jeter <input type="checkbox"/>	Steuerwald
Johnson	Summers
Jordan	Teshka <input type="checkbox"/>
Judy	Thompson

Torr
VanNatter
Vermilion
Wesco

J. Young
Zent ☐
Ziemke
Mr. Speaker

Roll Call 513: 89 present; 11 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until the fall of the gavel at a time and date determined by the Speaker of the House of Representatives in consultation with the Minority Leader.

LEHMAN

The motion was adopted by a constitutional majority.

Representative Leonard, who had been present, is now excused.

RULES SUSPENSION AND DISPENSING OF ARTICLE 4, SECTION 18 OF THE INDIANA CONSTITUTION

HOUSE MOTION

Mr. Speaker: I move that in accordance with Indiana Constitution Article 4, Section 18, solely for Senate Bill 421 a true and accurate copy of which is attached hereto, the Constitutional provision requiring all bills be read on three separate days be dispensed with and that the House Rules listed below be suspended so that Senate Bill 421 need not be printed, need not be referred to committee, may be read the second time by title, considered engrossed, read the third time, and placed upon its passage:

House Rule 59.1, Noticed of Meetings;
House Rule 112, Referral to Committee;
House Rule 123, Record of Committee Vote;
House Rule 129, First Printing—Form;
House Rule 130, First Printing—Laid on Desks;
House Rule 141, Calendar of Bills;
House Rule 142, Eligibility;
House Rule 143; Called Down on Second Reading;
House Rule 144; Engrossment—Reprinting;
House Rule 145; Engrossment—Supervision; and
House Rule 148.1; Deadline for Senate Bills;

LEONARD, Chair

The Speaker ordered the roll of the House to be called for seconding of the motion pursuant to House Rule 8. Roll Call 541: yeas 87, nays 1. Motion prevailed.

Representative Leonard, who had been excused, is now present.

The Speaker ordered the roll of the House to be called for a motion to invoke Article 4, Section 18 and to suspend the rules. Roll Call 515: yeas 88, nays 1. Motion prevailed.

ACTION ON GUBERNATORIAL VETOS

Senate Enrolled Act 5

MESSAGE FROM THE GOVERNOR

May 4, 2021

The Honorable Rodric Bray
President Pro Tempore
Indiana State Senate
200 W. Washington Street
Indianapolis, IN 46204

Dear Senator Bray:

By the authority vested in me as Governor of the State of Indiana pursuant to the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto Senate Enrolled Act No. 5 (SEA 5) enacted during the regular session of the 122nd General Assembly.

Throughout the pandemic, state and local leaders struck a careful balance between protecting both lives and livelihoods to ensure Indiana and our communities would come out of the pandemic as strong as possible. As a result, we now stand in an enviable position compared to many around the country. As evidence of this look no further than our 3.9% unemployment, \$2B in additional state revenues, and our ability to make transformational investments in local communities in areas such as education, economic development and mental health.

Critical to this success has been the ability during the emergency to allow local health officers (LHOs) to use localized data to tailor their actions to their community's needs. It is hard to express the rapidity needed in the early days of the pandemic - particularly on the local level. One reason Indiana has weathered the storm so well is due to coordination with local health experts and the flexibility in law to be fast, nimble, and targeted. Also, the knowledge that local health officials were able to exercise this discretionary authority greatly informed the state's own day-by-day, sometimes hour-by-hour, emergency response.

LHOs and their departments must frequently make urgent, complex decisions to safeguard public health where time is of the essence and expertise is critical. Throughout the pandemic we have seen great examples of collaboration amongst elected officials and LHOs. In fact, there were only rare instances of LHOs working in a vacuum or elected leaders and LHOs not working closely together. Naturally, if this were not the case, I might better understand the impetus for some of the provisions in SEA 5.

Therefore, I am vetoing SEA 5 because I believe it will undermine the successful balance described above, restrict necessary flexibility in the law, and further undermine local responses to future public health emergencies.

Specifically, SEA 5:

- Limits the range of action local health officials can quickly

take during an emergency by requiring approval for every local health order that is either more stringent or addresses different aspects than a state executive order;

- Changes the nature of hiring local county and city health officers by removing the exclusive authority from appointed local boards of health filled with qualified evaluators and instead grants the final health officer hiring decision to local legislative bodies;
- Shifts to a potentially cumbersome appeal process that threatens the possibility of dangerous delays for necessary local enforcement during any local or state-declared public health emergency; and
- Eases the ability to remove a local health officer where sufficient standards already exist in statute.

While our present focus is rightly on COVID-19, illnesses such as rabies, human immunodeficiency virus, legionellosis, Eastern equine encephalitis, meningococcal meningitis, and so many more can also be fatal and demand immediate public health intervention. In very critical instances, the spread of such infectious diseases will call for the enactment of a public health emergency by the governor or a local public health emergency declaration by local officials implicating many of the provisions in SEA 5 mentioned above.

Please keep in mind that my substantive disagreement with this bill does not mean I question all the underlying motives behind it. As evidenced above, right now it is critical that we maintain our local health expertise, flexibility and all tools needed to respond. We must not do anything that jeopardizes this as our heroic local health officials remain critical in the months to come as we accelerate our recovery and work to vaccinate many more Hoosiers.

The past 14 months have undoubtedly been challenging for all in public service. Despite these challenges, state and local public servants from all branches of government have risen to the occasion to protect the safety, health, and livelihoods of Hoosiers. I am confident that we can work together in the future to find consensus and avoid jeopardizing a successful recovery or future responses to unanticipated emergencies.

As we take stock of all our findings to evaluate the overall structure and function of our entire public health system, we will be carrying out this charge in partnership with mayors, county commissioners, health officials, legislators, universities, non-profits, and so many others that have helped us make it this far. Until that work is complete, I believe it is prudent to avoid any unnecessary disruption or wholesale changes to our existing local public health authorities.

Sincerely,

Eric J. Holcomb
Governor

The Speaker handed down Senate Enrolled Act 5, passed by the First Regular Session of the 122nd General Assembly.

AN ACT to amend the Indiana Code concerning general provisions.

The merits of Senate Enrolled Act 5 and the Governor's veto were explained. The question was, Shall Senate Enrolled Act 5 pass, the Governor's veto notwithstanding?

Roll Call 516: yeas 59, nays 30. The Governor's veto was

overridden.

INTRODUCTION OF BILLS

With consent of the members, the following bills and joint resolutions on Bill List 15 were read a first time by title:

SB 421 — Torr

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed Senate Bill 421

Representative Torr called down Engrossed House Bill 421 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 517: yeas 88, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

MESSAGES RECEIVED AFTER APRIL 23, 2021

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House, on Friday, April 23, 2021 I signed the following House Enrolled Acts 1007, 1285, 1293, 1313, 1356, 1383, 1392, 1432 and 1479

ERIC HOLCOMB
Governor

APRIL 26, 2021

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House, on Monday, April 26, 2021. I signed the following House Enrolled Acts 1064, 1097, 1110, 1118, 1150, 1168, 1197, 1203, 1220, 1305 and 1372 into law.

ERIC HOLCOMB
Governor

APRIL 27, 2021

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On Tuesday, April 27, 2017, I signed into law House Enrolled Act 1169.

ERIC HOLCOMB
Governor

APRIL 28, 2021

The Speaker announced that he had signed House Enrolled Acts 1001, 1115, 1166, 1191, 1405, 1436, 1468 and 1549 on April 28.

The Speaker announced that he had signed Senate Enrolled Acts 5, 8, 55, 80, 82, 175, 185, 188, 232, 239, 245, 259, 310, 325, 332, 336, 348, 359, 377, 383, 392, 409, 413 and 414 on April 28.

APRIL 29, 2021

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House, on Thursday, April 29, 2021, I signed the following House Enrolled Acts 1001, 1002, 1008, 1009, 1030, 1032, 1055, 1090, 1101, 1115, 1119, 1125, 1164, 1166, 1190, 1191, 1225, 1246, 1247, 1252, 1255, 1266, 1270, 1283, 1287, 1340, 1348, 1353, 1365, 1396, 1402, 1405, 1418, 1421, 1436, 1438, 1441, 1447, 1448, 1453, 1462, 1464, 1468, 1483, 1485, 1497, 1514, 1516, 1531, 1536, 1541, 1549, 1558 and 1577 into law.

ERIC HOLCOMB
Governor

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Act 421 on May 11.

On the motion of Representative Barrett, the House adjourned at 4:19 p.m., this tenth day of May, 2021, until the fall of the gavel at a time and date as determined by the Speaker of the House of Representatives in consultation with the Minority Leader.

TODD M. HUSTON
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives